



1 For a federal court to have jurisdiction, “an actual controversy must exist at all stages  
2 of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.  
3 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no  
4 longer detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as  
5 moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District  
6 Court properly dismissed plaintiff’s claims that had become either moot or unripe).  
7 Accordingly, I recommend that this action be dismissed without prejudice and without award of  
8 costs to either party. A proposed Order accompanies this Report and Recommendation

9 DATED this 8<sup>th</sup> day of June, 2010.

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12 BRIAN A. TSUCHIDA  
13 United States Magistrate Judge  
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